

flour or whiskey under the market price of the day, and not make return thereof to the proper owner of such flour or whiskey, he shall pay to the person injured, double the amount of the sum so received, and shall pay a fine not less than five nor more than twenty dollars, one-half to the person prosecuting for the same and the other half to the use of the county or city where the case is heard, to be recovered as small debts are recovered.

ing same to
owner

Penalty.

OFFENCES AGAINST CHASTITY AND MORALITY.

BIGAMY.

102. Whosoever being married shall, the first husband or wife (as the case may be) being alive, marry any person, shall undergo a confinement in the penitentiary for a period not less than eighteen months, nor more than nine years; *provided*, that nothing herein contained shall extend to any person whose husband or wife shall be continually remaining beyond the seas seven years together, or shall be absent himself or herself seven years together, in any part within the United States, or elsewhere, the one of them not knowing the other to be living at that time; and if such offender be a man, his first wife shall, on his conviction, be forthwith endowed of one-third part of his real estate, which she shall hold as tenant in dower, the assignment of which shall be made as prescribed by law in other cases of dower, and she shall have the like remedy for the recovery thereof; and she shall also, on his conviction, be forthwith entitled to one-third part of his personal estate, in the same manner as if such husband had died intestate, and she had survived him, which third part shall be divided and allotted to her in the same manner as distribution is made of the personal estate of intestates; and if the said offender be a man, he shall, on conviction, forfeit his claim or title as tenant by the curtesy, and also all his claim or title to any estate, personal or mixed, which he may have in right of his first wife, and if the said offender be a woman, she shall, on conviction, forfeit her claim to dower of the estate of her first husband, and also her distributive share of his personal estate which she would be entitled to if he had died intestate, and she had survived him.

Art 30, s 11.
1706, c 8,
1809, c 138, s 7.
Bigamy
1 Bl 429.
8 G & J 54
1 Peters, 108
Punishment

Where husband
or wife beyond
seas, or absent
seven years,
not guilty

If offender a
man, his wife
entitled to
dower and
thirds.

Forfeits curtesy
and all interest
in wife's estate

If a woman,
forfeits dower
and thirds.

MARRYING UNLAWFULLY.

103. If any person shall marry with any person within the three degrees of direct lineal consanguinity, or within the first degree of collateral consanguinity, each of the parties so marrying, on conviction thereof, shall forfeit and pay fifteen hundred dollars, or be banished the State forever.

Art. 30, s 124
1777, c 12, s. 2,
1785, c 35
Unlawful
marriage.

Penalty.

104. If any person shall marry with any person related within any other of the degrees of kindred or affinity prohibited by the laws of this State, each of the parties so marrying shall, on conviction thereof, forfeit and pay five hundred dollars.

Id s 125
1777, c 12, s 2;
1790, c 20
Person marry-
ing within other
prohibited
degrees
Penalty.